

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**No. 07-cv-953**

RYAN MCFAYDEN, et al.,

Plaintiffs,

v.

THE CITY OF DURHAM, NORTH CAROLINA; et al.,

Defendants.

**DEFENDANT  
LINWOOD WILSON'S  
MOTION TO RENEW  
MOTION TO DISMISS  
(DOC # 44). IN  
SECOND AMENDED  
COMPLAINT**

Defendant Linwood Wilson hereby moves that his previously filed Memorandum in Support of Motion To Dismiss and Motion To Dismiss (**Doc. #44**) be incorporated into this renewed Motion To Dismiss Plaintiffs' Second Amended Complaint.

**I. ARGUMENT**

Plaintiffs claims against Defendant Wilson should be dismissed for all the reasons stated in Defendant Linwood Wilson's Memorandum in Support of Motion to Dismiss and Motion to Dismiss Doc.# 44 already filed in this case.

## **II. CONCLUSION**

All causes of action against Defendant Wilson must be dismissed because they are either insufficiently pled, barred by the doctrine of absolute immunity, or both. Accordingly, Defendant Wilson respectfully moves this Court to dismiss all claims with prejudice.

The 4th day of March, 2010.

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By: /s/ Linwood E. Wilson  
Linwood E. Wilson  
*Pro Se*

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**DISTRICT COURT**  
**FOR THE MIDDLE**  
**DISTRICT OF NORTH**  
**CAROLINA**

**1:07-cv-953**

**CERTIFICATE OF ELECTRONIC FILING AND SERVICE**

The undersigned hereby certifies that, pursuant to Rule 5 of the Federal Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, the foregoing pleading, motion, affidavit, notice, or other document/paper has been electronically filed with the Clerk of Court using the CM/ECF system, which system will automatically generate and send a Notice of Electronic Filing (NEF) to the undersigned filing user and registered users of record, and that the Court's electronic records show that each party to this action is represented by at least one registered user of record (or that the party is a registered user of record), to each of whom the NEF will be transmitted.

This the 4th day of March 2010.

By: /s/ Linwood E. Wilson  
Linwood E. Wilson,  
*Pro Se*